

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

AUSA: Susan Fairchild
Christopher CarrTelephone: (313) 226-9577
Telephone: (313) 378-8942

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Ladislao FONSECA-PUENTES

Case No.

Case: 2:24-mj-30183

Assigned To : Unassigned

Assign. Date : 5/10/2024

Description: COMP USA V.
FONSECA-PUENTES (KB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 7, 2024 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a), (b)(1) Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about May 7, 2024, in the Eastern District of Michigan, Southern Division, Ladislao FONSECA-PUENTES, a citizen and national of Mexico, who was previously convicted of a felony offense, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about April 17, 2018 and not having received the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security, to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), (b)(1).

☒ Continued on the attached sheet.



Complainant's signature

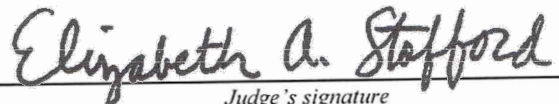
Christopher Carr, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: May 10, 2024

City and state: Detroit, Michigan



Judge's signature

Elizabeth Stafford, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Christopher Carr, declare the following under penalty of perjury:

1. I am a Deportation Officer with the United States Department of Homeland Security, United States Immigration and Customs Enforcement (ICE). I have been employed in this capacity since March 2019. Currently, I am assigned to the Fugitive Operations Program. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Immigration and Customs Enforcement Officers and record checks of law enforcement databases. I have also reviewed the Alien Registration File and system automated data relating to Ladislao FONSECA-PUENTES, which attests to the following:
2. FONSECA-PUENTES is a thirty-seven-year-old male, native and citizen of Mexico, who last entered the United States at or near an unknown place, on or about an unknown date without being admitted, inspected, or paroled by an Immigration Officer.
3. On July 31, 2007, Border Patrol Agents encountered FONSECA-PUENTES near Laredo, Texas and he was voluntarily returned to Mexico.
4. On July 24, 2013, ERO Detroit arrested FONSECA-PUENTES and issued him an I-862 Notice to Appear.
5. On August 14, 2013, an Immigration Judge in Boston, MA granted FONSECA-PUENTES a Voluntary Departure to depart by September 13, 2013. FONSECA-PUENTES reserved appeal, but never filed an appeal.
6. On September 14, 2013, the Voluntary Departure order became a Final Order of Removal due to FONSECA-PUENTES failing to plan for departure and departing timely.
7. On September 25, 2013, FONSECA-PUENTES was removed to Mexico via Harlingen, Texas.
8. On December 19, 2014, Border Patrol Agents encountered FONSECA-PUENTES near Brownsville, TX and served him with an I-860 Notice and Order of Expedited Removal and removed him to Mexico on same date.

9. On July 26, 2017, Border Patrol Agents encountered FONSECA-PUENTES near Marysville, MI and served him with an I-871 Notice of Intent/Decision to Reinstate Prior Order.
10. On August 8, 2017, FONSECA-PUENTES was removed to Mexico via ICE AIR.
11. On December 20, 2017, Border Patrol Agents encountered FONSECA-PUENTES near Marysville, MI and served him with an I-871 Notice of Intent/Decision to Reinstate Prior Order and presented him for prosecution.
12. On March 29, 2018, the United States District Court, Eastern District of Michigan, convicted FONSECA-PUENTES of Unlawful Re-Entry, in violation of 8 USC §1326(a) and sentenced him to time-served.
13. On April 17, 2018, FONSECA-PUENTES was removed to Mexico via ICE AIR.
14. On September 18, 2022, the Saginaw Township Police Department in Saginaw, MI arrested FONSECA-PUENTES for Retail Fraud. The 70th District Court in Saginaw, MI issued a Bench Warrant for FONSECA-PUENTES due to his failure to appear for his court hearing.
15. On December 11, 2023, the Oakland County Sheriff Department in Pontiac, MI arrested FONSECA-PUENTES for Felony Assault with a Dangerous Weapon.
16. On February 22, 2024, the 50th District Court in Pontiac, MI convicted FONSECA-PUENTES of Assault Aggravated, a felony offense and sentenced him to 180 days with 74 days credit.
17. On May 7, 2024, ERO Detroit arrested FONSECA-PUENTES at the Oakland County Jail in Pontiac, Michigan and served him with an I-871 Notice of Intent/Decision to Reinstate Prior Order. ICE searched his fingerprints in government electronic systems resulting in a positive match for Ladislao FONSECA-PUENTES, DOB XX/XX/1987,

AXXX XXX 702, a previously removed alien.

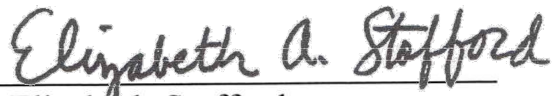
18. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any non-citizen entering or attempting to enter the United States, or any non-citizen present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of non-citizens.
19. ICE officers reviewed immigration file records and Department of Homeland Security electronic records, indicating that Ladislao FONSECA-PUENTES AXXX XXX 702, did not obtain the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, subsequent to his removal on or about April 17, 2018.

20. Based on the above information, I believe there is probable cause to conclude that FONSECA-PUENTES is a non-citizen, who was previously convicted of a felony offense, was found in the United States after having been denied admission, excluded, deported and removed therefrom on or about April 17, 2018, without obtaining the express permission of the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a), (b)(1).



Christopher Carr, Deportation Officer
U.S. Department of Homeland
Security

Subscribed and sworn to before me in my
presence and/or by reliable electronic
means.



Elizabeth Stafford
United States Magistrate Judge